UNITED
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S/1996/475
27 June 1996
ENGLISH
ORIGINAL: ENGLISH AND FRENCH

LETTER DATED 13 FEBRUARY 1996 FROM THE PRESIDENTS OF THE INTERNATIONAL CRIMINAL TRIBUNALS FOR THE FORMER YUGOSLAVIA AND RWANDA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Judges of the International criminal Tribunal for the former Yugoslavia (the "Yugoslavia Tribunal") and the International Tribunal for Rwanda (the "Rwanda Tribunal") jointly present their compliments to the members of the Security Council and have the honour to bring to their attention the following matter.

At the second plenary session of the Rwanda Tribunal, held 8-11 January 1996, proposals for amendments to its Statute (the "Rwanda Statute") were agreed to by consensus. Proposals for similar amendments to the Statute of the Yugoslavia Tribunal (the "Yugoslavia Statute") were agreed to at the ninth plenary session of the Yugoslavia Tribunal, held 17-18 January 1996. Of course, any amendment to either Statute must be made by the Security Council; as such the Judges of both Tribunals, by means of this official note, request that the Security Council consider implementing the proposed amendments to both Statutes. This official note is intended to explain the reasons for the proposals, copies of which are attached.

The problem is essentially one of av ilability of Judges. Although the workload of the Chambers of the two Tribunals is, at this stage, not sufficiently heavy that this problem has interfered with the functioning of either Tribunal, it has become clear that the problem will inevitably arise, particularly in view of the fact that the workload of the Chambers of both Tribunals is expected to increase dramatically in the coming months. The proposals discussed below are intended to address this concern. As the situation now stands, if a Judge falls ill or is disqualified, the resulting shortage of eligible Judges may seriously delay proceedings or leave one of the Tribunals unable to function. To give two examples:

1. Where all six of the Yugoslavia Tribunal's Trial Chamber Judges have been involved in a case (with three Judges having been involved in a review of the indictment under Rule 61 and the other three having heard the trial) which later comes before the Appeals Chamber. If one of the Judges of the

Appeals Chamber were to fall ill or become unavailable for some reason, the Appeals Chamber simply could not function because, under the current system, there would be no other Judge to call upon.

2. Where a Judge on one of the Rwanda Tribunal's Trial Chambers is ill and unable to carry out his or her duties. Although provision is made in the Rules of Procedure and Evidence of that Tribunal (the "Rwanda Rules") for the temporary assignment of a Judge from one Trial Chamber to the other, if the three Judges in the Trial Chamber are unavailable because they are hearing another case or disqualified because they had already performed a Rule 61 review, that Tribunal could not function.

In view of the foregoing, there is no doubt of the need to increase the pool of Judges. This can be accomplished in one of two ways: (a) by the election by the General Assembly of new Judges to act when required; or (b) by expanding the tasks of the Judges who currently sit on the two Tribunals. Mindful of the expense associated with the election of new Judges and in view of the current financial crisis affecting the United Nations, the Judges of both Tribunals hold the view that the latter solution would be preferable.

Two additional advantages would result if the tasks of the Judges were increased. First, the six Judges who were appointed to sit on the Rwanda Tribunal would have a greater role in the administration of justice, thereby leading to greater equality between the two Tribunals. Secondly, there would be a greater interplay between two Tribunals with very similar legal and procedural issues. This interplay would benefit both Tribunals.

The experience of the Yugoslavia Tribunal to date has indicated that the temporary assignment of Judges can be a successful way to address some of the problems of availability of Judges; 1/ however, amendment of the statutes is required in order to address all such problems by the temporary assignment of Judges. Temporary assignment is provided for in Rule 27 (C) of the Yugoslavia Tribunal's Rules of Procedure and Evidence (the "Yugoslavia Rules"), but only for assignment between the Chambers of the Yugoslavia Tribunal. No provision is made in either the Rwanda Statute or the Yugoslavia Statute (nor in the Yugoslavia Rules or the Rwanda Rules) for the participation of Judges from one Tribunal's Trial Chambers in the Trial Chambers of the other; nor is there any provision for participation of Judges from the Rwanda Tribunal Trial Chambers in the determination of appeals from either Tribunal.

It is widely felt by the Judges of both Tribunals that it would be appropriate to allow Judges to be temporarily assigned from one Tribunal to the other and from all Trial Chambers to the joint Appeals Chamber on an ad hoc basis, as required. Thus the system would be flexible enough to permit a Yugoslavia Tribunal Trial Chamber Judge to sit, on a temporary basis on the joint Appeals Chamber (and, thus, hear appeals from the Trial Chambers of either

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1/ When one of the Trial Chamber Judges, Judge Sidhwa, fell ill in 1995, the assistance of an Appeals Chamber Judge, Judge Stephen, was required. Judge Stephen sat on the preliminary motions in the Tadic matter and will continue to sit on the Trial Chamber until the end of the trial.

Tribunal) or on a Trial Chamber of the Rwanda Tribunal. Similarly, a Rwanda Tribunal Trial Chamber Judge could also sit on a temporary basis on the Appeals Chamber (and hear appeals from the Trial Chambers of either Tribunal) or on a Trial Chamber of the Yugoslavia Tribunal. Finally, Appeals Chamber Judges would be in a position to sit temporarily on either Tribunal's Trial Chamber.

Conclusion

In sum, the potential problem of having an insufficient number of Judges has been recognized by both Tribunals as one that could be extremely damaging to the functioning of the Tribunals. Two solutions exist to solve this problem: to increase the number of Judges available or to keep the number constant while expanding their judicial responsibilities by increasing flexibility of assignment. The second option is the most efficient and cost-effective way to proceed, and is one to which all Judges have consented. As well as solving many of the problems that may arise when Judges become unavailable, this solution will result in greater equality between the two Tribunals and encourage valuable interaction between them.

If the Security Council is of the view that the above-described amendments to the two Statutes are not appropriate, the Judges would like to suggest that two additional Judges be appointed to each Tribunal as soon as possible in order to ensure that both Tribunals continue to function in the months ahead - months that are expected to be extremely busy ones. As noted, this is the more costly alternative but, for the reasons given, the Judges are unanimously of the view that it is the only alternative to the proposal for amendment of the Statutes outlined above.

(Signed) Antonio CASSESE
President of the Yugoslavia Tribunal

(Signed) Laity KAMA
President of the Rwanda Tribunal

Annex I

Proposed amendments to the Statute of the International Tribunal for Rwanda

Article 12

2(a) The members of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as "the International Tribunal for the Former Yugoslavia") shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda. 2/

(b) The Appeals Chamber may, where appropriate, include judges of the International Tribunal for Rwanda jointly appointed, after consultation with the judges of the International Tribunal for Rwanda and of the International Tribunal for the Former Yugoslavia, by the two Presidents to sit for a specific case. 3/

(c) The Appeals Chamber shall elect a Presiding Judge from among its members. 4/

Article 13

2(a) After consultation with the Judges of the International Tribunal for Rwanda, the President shall assign the judges to the Trial Chambers

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2/ The principle that members of the Appeals Chamber of the Yugoslavia Tribunal will also serve as members of the Appeals Chamber for the Rwanda Tribunal would remain unchanged.

3/ Although not specified, in practice, the proposed amendment would mean that even if Judges from the Rwanda Tribunal were appointed, there could never be more than two Trial Chamber Judges from the Rwanda Tribunal sitting on the Appeals Chamber if the matter before them was an appeal of a decision of the Rwanda Tribunal. This is because four of the six potential candidates would have dealt with the case already: one Judge would have confirmed the indictment and three other Judges would have delivered the trial decision.

4/ This provision would mean that the President of the Yugoslavia Tribunal would no longer automatically preside over the Appeals Chamber in all instances, as is the case based on the current version of Article 14(2) of the Yugoslavia Statute. This would allow for a Judge from the Rwanda Tribunal's Trial Chambers to act as President - something which may be particularly desirable in an appeal of a decision from the Rwanda Tribunal.

[Delete: A judge shall serve only in the Chamber to which he or she was assigned]. 5/

(b) Where appropriate, and after consultation with the judges of the International Tribunal for the Former Yugoslavia and the judges of the International Tribunal for Rwanda, the Presidents of the two Tribunals may jointly assign one or more judges from the International Tribunal for the Former Yugoslavia to serve in any of the Trial Chambers for a specific case. 6/

5/ In discussing Sub-rule 27(C) of the Yugoslavia Rules and the Rwanda Rules (which, in each case, deals with temporary assignment of Judges) the Judges of the two Tribunals have interpreted this wording as meaning that, while Judges could be temporarily assigned, they remained a member of the Chamber to which they were first assigned. It is felt, however, that as amendments are being proposed for the Statutes in respect of the temporary assignment of Judges, it would be appropriate to clarify matters by deleting the wording.

6/ In addition to solving the availability problems outlined in the official note, it is important to stress that a system which allows a Trial Chamber Judge from the Rwanda Tribunal to sit on the Yugoslavia Tribunal will create an interplay between the two Tribunals which does not otherwise exist at the same level. In view of the fact there are many common issues before the two Tribunals, such as genocide, crimes against humanity and serious violations of international humanitarian law, the resulting osmosis will be advantageous to both Tribunals.

Annex II

Proposed amendments to the Statute of the International Tribunal for the Former Yugoslavia

Article 14

Delete paragraph 2 (which provides: "The President of the International Tribunal shall be a member of the Appeals Chamber and shall preside over its proceedings.") 7/ and renumber the paragraphs accordingly.

2(a) After consultation with the Judges of the International Tribunal, the President shall assign the judges to the Appeals Chamber and to the Trial Chamber [Delete: A judge shall serve only in the Chamber to which he or she was assigned]. 8/

(b) Where appropriate, and after consultation with the judges of the International Tribunal and the judges of the International Tribunal for Rwanda, 9/ the Presidents of the two Tribunals may jointly assign one or

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7/ This amendment, when combined with the proposed addition of Article 12(2)(c) of the Rwanda Statute, would allow a Judge of the Rwanda Tribunal's Trial Chamber to act as President of the Appeals Chamber. Although the Judges intend that, in the normal course, the President of the Yugoslavia Tribunal will preside over the Appeals Chamber, this amendment would allow greater flexibility.

8/ In discussing Sub-rule 27(C) of the Yugoslavia Rules and the Rwanda Rules (which, in each case, deals with temporary assignment of Judges) the Judges of the two Tribunals have interpreted this wording as meaning that, while Judges could be temporarily assigned, they remained a member of the Chamber to which they were first assigned. It is felt, however, that as amendments are being proposed for the Statutes in respect of the temporary assignment of Judges, it would be appropriate to clarify matters by deleting the wording.

9/ Since this is the first time the Rwanda Tribunal is referred to in the Yugoslavia Statute, it appears necessary to give its full title, cumbersome though it is, followed by a shortened version. The title, as it appears in the Rwanda Statute (before being shortened) is: "the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 (hereinafter referred to as 'the International Tribunal for Rwanda')".

more judges from the International Tribunal for Rwanda to serve in any of the three Chambers for a specific case. 10/

3. The judges of each [delete: Trial] Chamber shall elect a Presiding Judge, who shall conduct all of the proceedings of the Chamber as a whole. 11/

10/ In addition to solving the availability problem outlined in the Official Note, it is important to stress that a system which allows a Trial Chamber Judge from the Rwanda Tribunal to sit on the Yugoslavia Tribunal will create an interplay between the two Tribunals which does not otherwise exist at the same level. In view of the fact there are many common issues before the two Tribunals, such as genocide, crimes against humanity and serious violations of international humanitarian law, the resulting osmosis will be advantageous to both Tribunals.

11/ The deletion of the word "Trial" would reflect the fact that the President of the Yugoslavia Tribunal would no longer necessarily preside over the proceedings of the Appeals Chamber; an election of a Presiding Judge will be required in each of the three Chambers, instead of just the two Trial Chambers.

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S/1996/476
27 June 1996

ORIGINAL: ENGLISH

LETTER DATED 27 JUNE 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE PRESIDENTS OF THE INTERNATIONAL CRIMINAL TRIBUNALS FOR THE FORMER YUGOSLAVIA AND RWANDA

I wish to refer to your joint letter of 13 February 1996 (S/1996/475) addressed to the President of the Security Council, by which you conveyed on behalf of the Tribunals' judges proposals to amend the Statutes of the Yugoslav Tribunal and the Rwanda Tribunal. The members of the Council appreciate the judges' dedication and concern for the administration of justice which led them to bring these matters to their attention.

The members of the Security Council have very carefully examined your proposals. During their deliberations all the members of the Council expressed their firm support for the Tribunals and their concern to facilitate their efficient functioning. While agreeing on the need for an effective solution to the problem of availability of judges which you raised, the members of the Council have underscored the distinction between the two Tribunals which are distinct entities, and the separation of the Appeals Chamber from the Trial Chambers. Having reviewed the matter the members of the Council do not believe that the situation, at this time, requires the extraordinary step of amending the Tribunals' Statutes.

Members of the Council recognize, however, that increased judicial activity in the coming months in both Tribunals may raise problems with regard to the availability of judges. They have, therefore, examined a number of alternative proposals and consider that adequate solutions to the problem of availability of judges may be achieved under the Rules of Procedure and Evidence of both Tribunals, for example under Rule 15 (E) thereof. They have also noted in this connection that cautious use of the provisions of Rule 61 may provide an additional solution. In addition, the Tribunals may wish to consider whether any modifications of their Rules of Procedure and Evidence could assist with the matter of availability of judges.

Solutions such as these should in the view of members of the Council be adequate in cases of temporary illness or incapacity or where the workload of the Tribunal does not increase exponentially. The members recognize, however, that they may not necessarily be adequate in cases where a judge is ill or

incapacitated for a considerable period of time and where the workload is such that a serious disruption of proceedings may ensue. In such circumstances it may be necessary for the Council to revert to this matter and to consider other mechanisms for appointment of judges perhaps on an ad hoc basis.

I would be grateful if you would convey the contents of this letter to the members of the respective Tribunals.

(Signed) Nabil A. ELARABY
President of the Security Council

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GENERAL

S/1996/477
27 June 1996

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Welcoming the report of the Secretary-General on the United Nations operation in Cyprus of 7 June 1996 (S/1996/411 and Corr.1 and Add.1),

Welcoming also the report of the Secretary-General on his Mission of Good Offices in Cyprus of 25 June 1996 (S/1996/467),

Taking note of the recommendation in his report of 7 June 1996 that the Security Council extend the mandate of the United Nations Peace-keeping Force in Cyprus (UNFICYP),

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island that it is necessary to keep the force in Cyprus beyond 30 June 1996,

Reaffirming its earlier relevant resolutions on Cyprus, and in particular resolutions 186 (1964) of 4 March 1964, 939 (1994) of 29 July 1994 and 1032 (1995) of 19 December 1995,

Reiterating its concern that there has been no progress towards a final political solution, and agreeing with the assessment of the Secretary-General that the negotiations have been at an impasse for too long,

Regretting that no progress has been made in introducing measures to prohibit along the cease-fire lines live ammunition or weapons other than those which are hand-held and to prohibit the firing of weapons within sight or hearing of the buffer zone, or in extending the 1989 unmanning agreement,

Expressing concern about the restrictions placed upon the freedom of movement of UNFICYP in the northern part of the island, as described in paragraph 27 of the report of the Secretary-General of 7 June 1996,

1. Decides to extend the mandate of UNFICYP for a further period ending on 31 December 1996;

2. Welcomes the appointment of Mr. Han Sung-Joo as the new Special Representative of the Secretary-General for Cyprus and calls upon both parties to cooperate fully with him in his efforts to facilitate a comprehersive settlement of the Cyprus problem;

3. Deplores the tragic incident involving the fatal shooting of a Greek Cypriot National Guardsman inside the United Nations buffer zone on 3 June 1996, as well as the hindering by Turkish Cypriot soldiers of UNFICYP personnel attempting to assist the National Guardsman and investigate the incident, as documented in the report of the Secretary-General of 7 June 1996;

4. Expresses serious concern about the continuing modernization and upgrading of military forces in the Republic of Cyprus, the excessive levels of military forces and armaments and the lack of progress towards a significant reduction in the number of foreign troops in the Republic of Cyprus, urges once again all concerned to commit themselves to such a reduction and to a reduction in defence spending in the Republic of Cyprus to help restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas (S/24472, annex), stresses the importance of eventual demilitarization of the Republic of Cyprus as an objective in the context of an overall comprehensive settlement, and calls upon the Secretary-General to continue to promote efforts in this direction;

5. Expresses serious concern also about recent military exercises in the region, including overflights in the airspace of Cyprus by military fixed-wing aircraft, which have increased tension;

6. Calls upon the military authorities on both sides:

(a) To respect the integrity of the United Nations buffer zone, ensure that no further incidents occur along the buffer zone, prevent hostile actions, including live fire against UNFICYP, grant UNFICYP complete freedom of movement and extend their full cooperation to UNFICYP;

(b) To enter immediately into discussions with UNFICYP, in line with paragraph 3 of resolution 839 (1993) of 11 June 1993, with a view to adopting reciprocal measures to prohibit along the cease-fire lines live ammunition or weapons other than those which are hand-held and to prohibit also the firing of weapons within sight or hearing of the buffer zone;

(c) To clear all minefields and booby-trapped areas inside the buffer zone without further delay, as requested by UNFICYP;

(d) To cease military construction in the immediate vicinity of the buffer zone;

(e) To enter immediately into intensive discussions with UNFICYP with a view to extending the 1989 unmanning agreement to cover all areas of the buffer zone where the two sides are in close proximity to each other, on the basis of the updated proposals submitted by the UNFICYP Force Commander in June 1996;

7. Welcomes the measures that have been taken by the two parties in response to the humanitarian review conducted by UNFICYP, regrets that the Turkish Cypriot side has not responded more fully to the recommendations made by UNFICYP, calls upon the Turkish Cypriot side to respect fully the basic freedoms of the Greek Cypriots and Maronites living in the northern part of the island and to intensify its efforts to improve their daily lives, and calls upon the Government of Cyprus to continue its efforts to eliminate any discrimination against Turkish Cypriots living in the southern part of the island;

8. Welcomes the continuing efforts of the United Nations and diplomatic missions to promote bicommunal events, regrets the obstacles which have been placed in the way of such contacts, and strongly urges all concerned, and especially the Turkish Cypriot leadership, to lift and prevent all obstacles to such contacts;

9. Requests the Secretary-General to keep under review the structure and strength of UNFICYP with a view to its possible restructuring, and to present any new considerations he may have in this regard;

10. Reiterates that the status quo is unacceptable and calls upon the parties to demonstrate concretely their commitment to an overall political settlement;

11. Stresses its support for the Secretary-General's mission of good offices and the importance of the concerted efforts to work with the Secretary-General towards an overall comprehensive settlement;

12. Urges the leaders of the two communities to respond positively and urgently to the Secretary-General's call upon them to work with him and with the many countries who support his mission of good offices to break the present impasse and establish common ground on which direct negotiations can be resumed;

13. Recognizes that the decision of the European Union concerning the opening of accession negotiations with Cyprus is an important new development that should facilitate an overall settlement;

14. Requests the Secretary-General to submit a report by 10 December 1996 on the implementation of the present resolution;

15. Decides to remain actively seized of the matter.

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S/1996/478
27 June 1996

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling all its relevant resolutions and those adopted by the General Assembly,

Taking note of the request of 31 May 1996 from the President of the Republic of Haiti to the Secretary-General of the United Nations (S/1996/431, annex),

Underlining the need to support the commitment of the Government of Haiti to maintain the secure and stable environment established by the Multinational Force in Haiti (MNF) and extended with the assistance of the United Nations Mission in Haiti (UNMIH),

Welcoming the report of the Secretary-General of 5 June 1996 (S/1996/416 and Add.1/Rev.1),

Commending the role of UNMIH in assisting the Government of Haiti in fulfilling its responsibilities (a) to sustain the secure and stable environment which has been established, and (b) to professionalize the Haitian National Police, and expressing appreciation to all Member States which have contributed to UNMIH,

Noting the termination in accordance with resolution 1048 (1996) of the mandate of UNMIH as of 30 June 1996,

Noting the key role played to date by the United Nations civilian police, supported by United Nations military personnel, in helping to establish a fully functioning Haitian National Police force of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice, and, in this context, welcoming progress to establish the Haitian National Police,

Welcoming and supporting the efforts of the Organization of American States (OAS) in cooperation with the United Nations, and in particular the contribution of the International Civilian Mission in Haiti (MICIVIH), to promote consolidation of peace and democracy in Haiti,

Taking note of the resolution on the international presence in Haiti (S/1996/432 and A/51/164) adopted at the seventh plenary session of the twenty-sixth regular session of the OAS which, inter alia, encourages the international community to sustain the same level of commitment it demonstrated during the years of crisis, and recommends that, at the request of the Haitian Government, the community maintain a strong presence in Haiti and extend its full support for strengthening the national police force and consolidating the stable and democratic environment necessary for economic growth and development, and inviting the further participation of the OAS,

Recognizing the link between peace and development and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and stability in the country,

Welcoming the continued progress towards consolidation of democracy by the people of Haiti since the historic peaceful transfer of power from one democratically elected President to another on 7 February 1996,

Recognizing that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and reconstruction of their country,

1. Affirms the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and revitalization of Haiti's system of justice;

2. Decides to establish the United Nations Support Mission in Haiti (UNSMIH) until 30 November 1996 in order to assist the Government of Haiti in the professionalization of the police and in the maintenance of a secure and stable environment conducive to the success of the current efforts to establish and train an effective national police force, and supports the role of the Special Representative of the Secretary-General in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti;

3. Decides that UNSMIH initially will be composed of 300 civilian police personnel and 600 troops;

4. Welcomes the assurance that the Secretary-General will be alert to further opportunities to reduce the strength of the mission so it can implement its tasks at the lowest possible cost;

5. Recognizes that major tasks facing the Haitian Government and people include economic rehabilitation and reconstruction and stresses the importance

that the Government of Haiti and the international financial institutions agree as soon as possible on the steps necessary to enable the provision of additional financial support;

6. Requests all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to this and other relevant resolutions in order to carry out the provisions of the mandate as set out in paragraph 2 above;

7. Further requests all States to make voluntary contributions to the trust fund established in resolution 975 (1995) for the support of the Haitian National Police, to ensure that the police are adequately trained and fully operational;

8. Requests the Secretary-General to report to the Council on the implementation of this resolution, including prospects for further reductions in the strength of the mission, by 30 September 1996;

9. Decides to remain seized of the matter.

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27 June 1996

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IDENTICAL LETTERS DATED 27 JUNE 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF TURKEY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to transmit herewith a letter dated 21 June 1996 addressed to you by Mr. Emre Gönensay, Minister for Foreign Affairs of the Republic of Turkey (see annex).

I would be grateful if the text of the present letter and its annex would be brought to the attention of the members of the Security Council and be circulated as a document of the Security Council.

(Signed) Tuluy TANÇ
Ambassador
Chargé d'affaires a.i.

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Annex

Letter dated 21 June 1996 from the Minister for Foreign Affairs of Turkey addressed to the Secretary-General and to the President of the Security Council

The letter dated 28 May 1996 from the Minister for Foreign Affairs of the Republic of Iraq addressed to you and contained in Security Council document S/1996/401 of 31 May 1996, required the reconfirmation of the Turkish position on the Iraqi issue.

Since the outbreak of the Gulf crisis, Turkey has been one of the leading countries that has consistently underlined, in every multinational forum, the sovereignty, political independence and territorial integrity of Iraq, as confirmed in all relevant Security Council resolutions, in particular resolution 688 (1991). However, if respect for Iraq's territorial integrity is an obligation for Turkey as well as other members of the international community, Iraq is no less obliged to prevent the use of its territory for the staging of terrorist acts against Turkey. Indeed, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV) of 24 October 1970) stipulates that every State has the duty to refrain from, inter alia, acquiescing in organized activities within its territory directed towards the commission of terrorist acts in another State. As of this very principle, it becomes inevitable for a country to resort to necessary and appropriate force to protect itself from attacks from a neighbouring country, if the neighbouring State is unwilling or unable to prevent the use of its territory for such attacks.

It is a fact, though an unfortunate one, that Iraq cannot exercise its authority either on the territory or the airspace of a part of its country. Turkey, therefore, can at present neither ask the Government of Iraq to fulfil its obligation nor find any legitimate authority in the north of Iraq to hold responsible under international law for terrorist acts committed or originated there. This being the situation, Turkey cannot be expected to stand idle when not only its territorial integrity but also the lives of its citizens are incessantly threatened by the blatant cross-border attacks of a terrorist organization, based and operating in northern Iraq, whose long-term separatist goals are known to the entire world. Under these circumstances, Turkey's resort to measures imperative to its own security originating from the principle of self-preservation and necessities, cannot be regarded as a violation of Iraq's sovereignty. As has been said time and again, until Iraq is in a position to resume its responsibilities and perform its consequent duties under international law, Turkey has to take necessary and appropriate measures to eliminate the existing terrorist threat from the area and to thwart any development that may jeopardize the maintenance of regional peace and stability. Therefore, as to the claims raised in the letter of the Minister for Foreign Affairs of the Republic of Iraq, it should once again be made clear that these measures target the elements and resources of the terrorist organization, and utmost care has always been displayed not to harm the innocent civilian population.

Last but not least, I feel obliged to note that this question can no longer be perceived as an issue between Turkey and Iraq alone, since the terrorism of the Turkish Workers' Party (PKK), long recognized as part of international terrorism, has transcended the boundaries of these two countries. It has now become common knowledge that this terrorist organization and its leader receive shelter and support from one of the members of the United Nations, namely the Syrian Arab Republic. There is no doubt that this attitude of the said country contradicts not only the principle of good neighbourliness but also the commitment of all Member States, under the Declaration contained in the annex to General Assembly resolution 49/60 of 9 December 1994, entitled "Declaration on Measures to Eliminate International Terrorism" and, among others, General Assembly resolution 50/186 of 22 December 1995, entitled "Human rights and terrorism", according to which all States must fulfil their obligations under the Charter of the United Nations and other provisions of international law, with respect to combating international terrorism, and are urged to take effective and resolute measures in accordance with the relevant provisions of international law and international standards of human rights, for the speedy and final elimination of international terrorism, in particular to refrain from organizing, instigating, facilitating, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that their respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens.

I should be grateful if you would have the present letter circulated to members of the Security Council.

Emre GÖNENSAY
Minister of Foreign Affairs
of the Republic of Turkey

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S/1996/479*
2 July 1996

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IDENTICAL LETTERS DATED 27 JUNE 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF TURKEY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to transmit herewith a letter dated 21 June 1996 addressed to Your Excellency by His Excellency Prof. Dr. Emre Gönensay, Minister for Foreign Affairs of the Republic of Turkey (see annex).

I would be grateful if the text of the present letter and its annex would be brought to the attention of the members of the Security Council and be circulated as a document of the Security Council.

(Signed) Tuluy TANÇ
Ambassador
Chargé d'affaires a.i.

* Reissued for technical reasons.

Annex

Letter dated 21 June 1996 from the Minister for Foreign Affairs of Turkey addressed to the Secretary-General and to the President of the Security Council

The letter dated 28 May 1996 from the Minister for Foreign Affairs of the Republic of Iraq addressed to you and contained in Security Council document S/1996/401 of 31 May 1996, required the reconfirmation of the Turkish position on the Iraqi issue.

Since the outbreak of the Gulf crisis, Turkey has been one of the leading countries that has consistently underlined, in every multinational forum, the sovereignty, political independence and territorial integrity of Iraq, as confirmed in all relevant Security Council resolutions, in particular resolution 688 (1991). However, if respect for Iraq's territorial integrity is an obligation for Turkey as well as other members of the international community, Iraq is no less obliged to prevent the use of its territory for the staging of terrorist acts against Turkey. Indeed, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV) of 24 October 1970) stipulates that every State has the duty to refrain from, inter alia, acquiescing in organized activities within its territory directed towards the commission of terrorist acts in another State. As of this very principle, it becomes inevitable for a country to resort to necessary and appropriate force to protect itself from attacks from a neighbouring country, if the neighbouring State is unwilling or unable to prevent the use of its territory for such attacks.

It is a fact, though an unfortunate one, that Iraq cannot exercise its authority either on the territory or the airspace of a part of its country. Turkey, therefore, can at present neither ask the Government of Iraq to fulfil its obligation nor find any legitimate authority in the north of Iraq to hold responsible under international law for terrorist acts committed or originated there. This being the situation, Turkey cannot be expected to stand idle when not only its territorial integrity but also the lives of its citizens are incessantly threatened by the blatant cross-border attacks of a terrorist organization, based and operating in northern Iraq, whose long-term separatist goals are known to the entire world. Under these circumstances, Turkey's resort to measures imperative to its own security originating from the principle of self-preservation and necessities, cannot be regarded as a violation of Iraq's sovereignty. As has been said time and again, until Iraq is in a position to resume its responsibilities and perform its consequent duties under international law, Turkey has to take necessary and appropriate measures to eliminate the existing terrorist threat from the area and to thwart any development that may jeopardize the maintenance of regional peace and stability. Therefore, as to the claims raised in the letter of the Minister for Foreign Affairs of the Republic of Iraq, it should once again be made clear that these measures target the elements and resources of the terrorist organization, and utmost care has always been displayed not to harm the innocent civilian population.

Last but not least, I feel obliged to note that this question can no longer be perceived as an issue between Turkey and Iraq alone, since the PKK terrorism, long recognized as part of international terrorism, has transcended the boundaries of these two countries. It has now become common knowledge that this terrorist organization and its leader receive shelter and support from one of the members of the United Nations, namely the Syrian Arab Republic. There is no doubt that this attitude of the said country contradicts not only the principle of good neighbourliness but also the commitment of all Member States, under the Declaration contained in the annex to General Assembly resolution 49/60 of 9 December 1994, entitled "Declaration on Measures to Eliminate International Terrorism" and, among others, General Assembly resolution 50/186 of 22 December 1995, entitled "Human rights and terrorism", according to which all States must fulfil their obligations under the Charter of the United Nations and other provisions of international law, with respect to combating international terrorism, and are urged to take effective and resolute measures in accordance with the relevant provisions of international law and international standards of human rights, for the speedy and final elimination of international terrorism, in particular to refrain from organizing, instigating, facilitating, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that their respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens.

I should be grateful if you would have the present letter circulated to members of the Security Council.

Prof. Dr. Emre GÖNENSAY
Minister for Foreign Affairs
of the Republic of Turkey

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/480
27 June 1996
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 17 JUNE 1996 FROM THE PERMANENT REPRESENTATIVE OF MONACO TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you, in response to your note verbale dated 15 May 1996 concerning the implementation of resolution 1054 (1996), adopted by the Security Council at its 3660th meeting held on 26 April 1996, that the Principality of Monaco has no diplomatic or consular representation in the Sudan, or vice versa. Moreover, there are absolutely no plans at the present time to allow the entry into Monaco's territory of members or officials of the Government of the Sudan or members of the Sudanese armed forces.

I should be grateful if you would have this letter distributed as a document of the Security Council.

(Signed) Jacques BOISSON

96-16049 (E) 270696 270696

UNITED
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Security Council

Distr.
GENERAL

S/1996/481
27 June 1996
ENGLISH
ORIGINAL: FRENCH

NOTE VERBALE DATED 21 JUNE 1996 FROM THE PERMANENT MISSION OF BURKINA FASO TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Burkina Faso to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to his note verbale No. SCA/2/96(10-1) of 15 May 1996 concerning the implementation of Security Council resolution 1054 (1996), has the honour to inform him of the following:

Burkina Faso has no diplomatic representation in the Sudan and the Sudan has no diplomatic representation in Burkina Faso.

Furthermore, to date, no member of the Government of the Sudan, official of that Government or member of the Sudanese armed forces has entered or transited through the territory of Burkina Faso.

96-16043 (E) 270696 270696

UNITED
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Security Council

Distr.
GENERAL

S/1996/482
27 June 1996

ORIGINAL: ENGLISH

NOTE VERBALE DATED 18 JUNE 1996 FROM THE PERMANENT MISSION OF JAPAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of Japan to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to transmit herewith a summary of the measures taken by the Government of Japan in compliance with paragraph 3 of Security Council resolution 1054 (1996) of 26 April 1996 concerning the Republic of the Sudan.

96-16079 (E) 280696 290696

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Annex

The Government of Japan has decided to take the measures described below effective 13 June 1996, in implementation of paragraph 3 of Security Council resolution 1054 (1996).

A. Reduction of the number of the Embassy staff

The number of the Sudanese staff of the Embassy of the Republic of the Sudan is to be reduced by one, from the current number of four to three.

B. Notification of travel

(1) The Tokyo metropolitan area and the City of Narita, including the New Tokyo International Airport, are classified as the "Free travel area".

(2) All areas other than the "Free travel area" are "Notification-required travel areas". Submission of a notification is required for travel to or in the latter areas by members of the staff of the Embassy of the Republic of the Sudan in Japan.

(3) In order to travel to or in the "Notification-required travel areas", a notification must be submitted to the Ministry of Foreign Affairs, in written form, at least 48 hours in advance of the travel.

C. Restriction of entry

The Government of Japan has taken the necessary measures to restrict entry to Japan of the officials and members of the Government of the Republic of the Sudan and of the Sudanese armed forces.

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S/1996/483
27 June 1996

ORIGINAL: ENGLISH

NOTE VERBALE DATED 18 JUNE 1996 FROM THE PERMANENT MISSION OF FINLAND TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Finland to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to his note of 15 May 1996 concerning the implementation of Security Council resolution 1054 (1996), and wishes to submit the following information:

The Government of Finland will not issue entry or transit visas to members of the Government of the Sudan and government officials or to members of the Sudanese armed forces. This policy has been applied since the entry into force of the above-mentioned resolution.

The Sudan does not have an embassy in Helsinki. The Sudanese Ambassador residing in Stockholm is accredited also to Finland.

96-16085 (E) 280696 290696

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S/1996/484
27 June 1996
ENGLISH
ORIGINAL: SPANISH

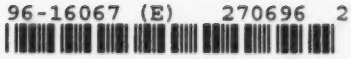
LETTER DATED 20 JUNE 1996 FROM THE PERMANENT REPRESENTATIVE OF CHILE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to refer to your note of 15 May 1996 concerning Security Council resolution 1054 (1996), which the Government of Chile has duly noted.

I am pleased to inform you that the Sudan has no diplomatic or consular representation in Chile, with the result that paragraph 3 (a) of the above resolution is not applicable to our country.

(Signed) Juan SOMAVIA
Ambassador
Permanent Representative

96-16067 (E) 270696 270696



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S/1996/485
27 June 1996

ORIGINAL: ENGLISH

NOTE VERBALE DATED 21 JUNE 1996 FROM THE PERMANENT MISSION OF BULGARIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the Republic of Bulgaria to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour, with reference to his note dated 15 May 1996, to submit the following information:

The Republic of Bulgaria closed down its embassy in the Sudan in 1990 and has no official representation in that country at present. The Sudan has neither diplomatic nor consular representation in Bulgaria. Since 1993 the Government of the Republic of Bulgaria has adopted a strict regulatory entry visa regime for all Sudanese nationals. Pursuant to paragraph 3 of Security Council resolution 1054 (1996), the necessary measures have been taken by the competent authorities and organs to restrict the granting of visas for members of the Government of the Sudan, officials of that Government and members of the Sudanese armed forces.

96-16097 (E) 280696 290696

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S/1996/486
27 June 1996

ORIGINAL: ENGLISH

NOTE VERBALE DATED 21 JUNE 1996 FROM THE PERMANENT MISSION OF SWEDEN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Sweden to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to Security Council resolution 1054 (1996), has the honour to inform him of the following measures taken by Sweden to implement the provisions in paragraph 3 of that resolution.

The Government of Sweden has asked the Government of the Sudan to reduce its diplomatic staff at the Sudanese Embassy in Stockholm by one counsellor. Sudanese diplomats remaining in Stockholm are required to notify the Ministry for Foreign Affairs of Sweden when they wish to travel within the country. The Government of Sweden has also taken the necessary steps to restrict entrance into or transit through Sweden of members or officials of the Government of Sudan as well as of members of the Sudanese armed forces.

96-16091 (E) 280696 290696

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S/1996/487
27 June 1996

ORIGINAL: ENGLISH

NOTE VERBALE DATED 21 JUNE 1996 FROM THE PERMANENT MISSION OF LIECHTENSTEIN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Liechtenstein to the United Nations presents its compliments to the Secretary-General and, with reference to his note dated 15 May 1996, has the honour to inform him that the Government of Liechtenstein complies fully with the provisions of paragraph 3 of Security Council resolution 1054 (1996) of 26 April 1996 regarding diplomatic sanctions against the Government of the Sudan.

Liechtenstein and the Sudan have no diplomatic or consular representatives in their respective territories. Adequate measures have been taken with regard to the entry into or transit through Liechtenstein territory by Sudanese nationals included in the provisions set forth in paragraph 3 of Security Council resolution 1054 (1996).

96-16109 (E) 280696 290696

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S/1996/488
27 June 1996

ORIGINAL: ENGLISH

NOTE VERBALE DATED 24 JUNE 1996 FROM THE PERMANENT MISSION OF SLOVENIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Slovenia to the United Nations presents its compliments to the Secretary-General of the United Nations and, pursuant to his note dated 15 May 1996, has the honour to inform him of the following measures taken by Slovenia in accordance with Security Council resolution 1054 (1996) of 26 April 1996.

On 29 April 1996, the Ministry of Foreign Affairs of Slovenia instructed all diplomatic missions and consulates of Slovenia to restrict, until further notice, the granting of visas for entry into or transit through its territory to persons referred to in subparagraph 3 (b) of resolution 1054 (1996). Simultaneously, the Ministry of Foreign Affairs informed the relevant border control bodies of these restrictions.

The Sudan has no diplomatic mission or consular post in Slovenia, therefore subparagraph 3 (a) of resolution 1054 (1996) does not apply.

96-16115 (E) 280696 290696

UNITED NATIONS **S**

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S/1996/489
27 June 1996

ORIGINAL: ENGLISH

NOTE VERBALE DATED 21 JUNE 1996 FROM THE PERMANENT MISSION OF GERMANY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Germany to the United Nations presents its compliments to the Secretary-General and, with reference to his note dated 15 May 1996, has the honour to inform him that Germany has taken the following measures regarding the implementation of Security Council resolution 1054 (1996) of 26 April 1996:

(a) Germany has reduced the diplomatic personnel of the Sudanese Embassy in Bonn by one diplomat (from seven to six);

(b) Germany has limited the freedom of movement of members of the Sudanese Embassy in Bonn to a radius of 50 kilometres around Bonn. The Foreign Office will have to be notified, in advance, of any trips outside this radius;

(c) Germany has implemented a particularly restrictive policy for issuing visas to members of the Sudanese Government and other officials.

96-16121 (E) 280696 290696

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S/1996/490
27 June 1996

ORIGINAL: ENGLISH

NOTE VERBALE DATED 24 JUNE 1996 FROM THE PERMANENT MISSION OF THE NETHERLANDS TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the Netherlands to the United Nations presents its compliments to the Secretary-General and, with reference to his note dated 15 May 1996 concerning the implementation of the provisions of Security Council resolution 1054 (1996) of 26 April 1996, has the honour to inform the Secretary-General as follows:

Concerning paragraph 3 (a) of the resolution, the Sudanese authorities have been requested to reduce the strength of their only diplomatic mission in the Netherlands by recalling one of the three diplomatic staff members of their Embassy in The Hague by 3 July 1996.

The Sudanese authorities have been advised that appropriate measures will be taken with a view to restricting or controlling the movement of the remaining staff members of the Embassy of the Sudan on Netherlands territory.

As to paragraph 3 (b) of the resolution, the Netherlands will restrict the entry into or transit through its territory of members of the Government of the Sudan, officials of that Government and members of the Sudanese armed forces. Visas will be granted, however, to Sudanese nationals visiting the Netherlands with the aim of promoting the peace process in their country.

96-16127 (E) 280696 290696

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S/1996/491
27 June 1996
ENGLISH
ORIGINAL: FRENCH

NOTE VERBALE DATED 24 JUNE 1996 FROM THE PERMANENT MISSION OF FRANCE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of France to the United Nations presents its compliments to the Secretary-General and has the honour to refer to his note verbale of 29 April 1996, on the implementation of resolution 1054 (1996) adopted by the Security Council on 26 April 1996.

Pursuant to paragraph 6 of resolution 1054 (1996), the Permanent Mission of France has the honour to inform the Secretary-General of the steps which the French Government has taken to give effect to the provisions set out in paragraph 3 of the resolution:

1. Pursuant to paragraph 3 (a) of resolution 1054 (1996), the Embassy of the Sudan in France has been requested:

To recall, no later than the first week of July, the Second Secretary of the Embassy;

To inform the French authorities in advance about any journey within French territory planned by Embassy staff which would take them beyond a radius of 100 kilometres from Paris.

2. Pursuant to paragraph 3 (b) of resolution 1054 (1996), France will exercise very strict control over visa applications, regardless of the nature of the travel document submitted (visa applications from Sudanese nationals are already subject to consultation, including those from members of the Government and its representatives).

It is understood that these steps do not apply to applications for visas which France has an obligation to issue under its headquarters agreements with the international organizations in its territory (in particular, UNESCO).

96-16019 (E) 270696 270696

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Distr.
GENERAL

S/1996/492
27 June 1996
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 25 JUNE 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to report to you, in accordance with paragraph 6 of Security Council resolution 1054 (1996) adopted on 26 April 1996, on the steps taken by the Argentine Republic to give effect to that resolution.

The Government of the Argentine Republic, with a view to implementing the provisions of paragraph 3 (b) of resolution 1054 (1996), has taken the necessary steps to restrict the entry into and the transit through its territory of members of the Government of the Sudan, officials of that Government and members of the Sudanese armed forces.

Since the Argentine Republic has no diplomatic representation in the Sudan and the latter country has no embassy in the Argentine Republic, the provisions of paragraph 3 (a) of resolution 1054 (1996) are not applicable.

I should be grateful if you would have this letter distributed as a document of the Security Council.

(Signed) Carlos Dante RIVA
Minister
Chargé d'affaires a.i.

96-16025 (E) 270696 270696 280696

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GENERAL

S/1996/493
27 June 1996

ORIGINAL: ENGLISH

NOTE VERBALE DATED 25 JUNE 1996 FROM THE PERMANENT MISSION OF GREECE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Greece to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to his note dated 15 May 1996, in which a response regarding implementation of provisions of Security Council resolution 1054 (1996) of 26 April 1996 was requested, has the honour to report the following:

- The Sudan has no diplomatic or consular representation in Greece. Consequently, there was no need for any action to be taken by the Greek Government for the implementation of paragraph 3 (a) of the resolution.

- As regards paragraph 3 (b) of the resolution, no request has been submitted as of today according to its relevant provisions for granting permission to Sudanese officials to enter Greece.

96-16031 (E) 270696 280696

UNITED
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GENERAL

S/1996/494
28 June 1996

ORIGINAL: ENGLISH

NOTE VERBALE DATED 26 JUNE 1996 FROM THE PERMANENT MISSION OF ANGOLA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the Republic of Angola to the United Nations presents its compliments to the Secretary-General and has the honour to request that the letter from H.E. Mr. José Eduardo dos Santos, President of the Republic of Angola, dated 17 June 1996 regarding the peace process in Angola, be circulated as a document of the Security Council.

96-16219 (E) 280696 290696

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Annex

Letter dated 17 June 1996 from the President of the Republic of Angola addressed to the Secretary-General

Within the framework of the efforts made by the Government of Angola with the aim of carrying out to a good end the implementation of the Lusaka Protocol within reasonable deadlines and those established by the Security Council, we have tried first and foremost to cooperate with the United Nations Angola Verification Mission (UNAVEM III) in the execution of the tasks attributed to the Government, while at the same time, we have carried out a number of actions in the political and diplomatic fields, with the cooperation of the international community, intended to keep the União Nacional para a Independência Total de Angola (UNITA) seriously and responsibly involved in the process.

I would like to acknowledge here the useful role played by you and the Security Council in the Angolan peace process, which has enabled it to reach the point at which it presently finds itself, even with the slow pace at which it is being carried out.

The intense pressure applied on UNITA made it fulfil its obligations in relation to the quartering of its troops, which is, as you know, the fundamental step to the pacification of Angola.

However, this task will not be concluded within the deadlines established by the Security Council in its resolution 1055 (1996) and that is why it is important to make UNITA understand that the non-fulfilment of its obligation is cause for concern and will lead to a strong reaction from the international community demanding that its decisions be fully respected.

Owing to this fact and taking into account that UNITA, although it now has a more acceptable posture, still seems not to be convinced, despite its promises, that it has to quarter its 62,000 troops by the end of June as guaranteed, we believe it is vital to maintain sufficient pressure on UNITA so as to fulfil without any delay the above-mentioned fundamental objective of the Angolan peace process.

With this objective, I would like to ask you to send to Angola a Security Council mission, by the end of the current month, with the aim of evaluating the process and leaving UNITA with recommendations that advise it against taking any actions that may lead to new delays in the implementation of the Lusaka Protocol and that may provoke disturbances for the UNAVEM III peace mission.

(Signed) José Eduardo DOS SANTOS
President of the Republic of Angola

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S/1996/495
28 June 1996

ORIGINAL: ENGLISH

LETTER DATED 27 JUNE 1996 FROM THE PERMANENT REPRESENTATIVE OF MOROCCO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to the letter contained in document S/1996/434 of 14 June 1996, I have the honour to transmit herewith a letter dated 26 June 1996 addressed to you by Mr. Abdellatif Filali, Prime Minister and Minister for Foreign Affairs and Cooperation of the Kingdom of Morocco (see annex).

I would be grateful if the present letter and its annex could be issued as a document of the Security Council.

(Signed) Ahmed SNOUSSI
Ambassador
Permanent Representative

96-16225 (E) 280696 290696

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Annex

Letter dated 26 June 1996 from the Prime Minister and Minister for Foreign Affairs and Cooperation of Morocco addressed to the President of the Security Council

Mr. Jerry John Rawlings, President of the Republic of Ghana and current Chairman of the Economic Community of West African States (ECOWAS), deemed it useful to send you a letter, dated 11 June 1996, on the question of the Sahara, supposedly on behalf of ECOWAS member States.

Morocco would have liked to applaud this initiative if it had actually aimed at supporting the action of the United Nations Security Council and if it were prompted by a sincere desire to contribute to the implementation of the settlement plan.

Unfortunately, one can only note that this initiative, which is surprising on several grounds, proceeds from a logic that is ostensibly at variance with the principles it claims to defend. Largely inspired, this letter denotes an obvious bias as well as manifest negative intentions.

Worse still, this letter proceeds from a blatantly deceptive spirit that seeks to commit ECOWAS member States without their knowledge. Judging from the reaction of the countries concerned, it is now an established fact that the latest developments of the Sahara question were not discussed at any ECOWAS meeting, nor were there, for that matter, any consultations on the question among the member States concerned. In fact, the authorities of these countries unanimously condemn the political skid of their Chairman and dissociate themselves from his irresponsible initiative, to say the least.

You will probably agree with me that the method used is inconsistent with international ethics and that it violates the deontology that is commonly admitted and respected within regional organizations.

Naturally, Morocco will not allow itself to be led into a useless and futile controversy, regarding neither the excessive wording of the letter nor the personal and dubious motivations underlying it, to which ECOWAS Member States declare that they do not subscribe.

The concerns of Mr. Rawlings regarding peace in the region are a poor disguise of his relentless animosity towards Morocco, such animosity being itself a remnant of a largely outdated ideology today. It may therefore be advisable for him not to interfere in such a manner, in a problem involving a region, the realities of which he is totally unaware, and to save his energies, rather, for the settlement of the tragedy that has long affected his subregion, and about which the United Nations called upon ECOWAS not to fail in its determination to establish therein a permanent and lasting peace.

I kindly request you to circulate this letter as a document of the Security Council.

(Signed) Abdellatif FILALI
Prime Minister
Minister for Foreign Affairs
and Cooperation

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Distr.
GENERAL

S/1996/496
1 July 1996

ORIGINAL: ENGLISH

LETTER DATED 28 JUNE 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF RWANDA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to our meeting in the office of the President of the United Nations Security Council on 17 June 1996, during which you sought the views of the Government of Rwanda on:

- The request of the Government of Zaire to deploy United Nations observers on Zaire's border with Rwanda.

- The idea of holding an international conference on peace, stability and development in the Great Lakes region.

After consulting with the relevant authorities on the question of deploying United Nations observers on the Zaire border, we wish to state that it is the sovereign right of Zaire to make such a request, especially as the deployment of the United Nations observers will be on its territory. We also wish to further inform you that the Government of Rwanda has not made any similar request.

We were also informed that it is being envisaged to send a technical mission to Zaire with a view to formulating proposals for the deployment of the observers on the Zaire border.

In our view, sending yet another mission to the region may not be appropriate. It will be recalled here that the International Commission of Inquiry which was set up pursuant to Security Council resolution 1013 (1995) reported to the Council the difficulties it met in the fulfilment of its mission (see S/1996/195). The position of the Government of Rwanda on the report has been and still remains as stated in the letter from the Permanent Representative of Rwanda to the President of the Security Council dated 27 March 1996 (S/1996/222).

In this connection, and while not prejudging the outcome of yet another resource-consuming technical mission which may not be helpful, the Security Council should instead urge the completion of the work of the International Commission of Inquiry and request full cooperation of all Member States which have not yet done so, as indicated in the report of the Commission of Inquiry

(S/1996/195) and in accordance with Council resolution 1053 (1996) of 23 April 1996. To us, this is a necessary and logical step rather than juxtaposing a parallel technical commission in the same region and at the same time.

It may also be very likely that the same countries which did not cooperate with the International Commission of Inquiry are now asking for this technical mission so as to sideline the conclusion of the work of the Commission of Inquiry.

In discussing this subject, the President of the Security Council would help members of the Council if he were to make available copies of the Amnesty International report (14 June 1996) and that of the United States Committee on Refugees (June 1996) on the situation in Massisi. These and many other independent reports would be extremely helpful to the Council in better understanding the nature of the problems in the Great Lakes region.

On the question of the proposal to convene an international conference on peace, security and development in the Great Lakes region, the view of the Government of Rwanda is:

- It is the primary responsibility of the countries of the region themselves to ensure the security, peace and development of their region.

- Support from the international community in the form of a conference to address matters of security, peace and development can only be helpful if such assistance has been requested by the countries themselves to support their own home-grown initiatives. The Government of Rwanda has not asked for this conference because we want to fully explore the initiatives which are under way by the Heads of State of the region.

- In the circumstances such home-grown initiatives to address the problems of the region do exist, as exemplified by the Nairobi Declaration of 7 January 1995, the Cairo Declaration of 29 November 1995, the Tunis Declaration of 18 March 1996 and the recently concluded summit meeting of the Heads of State of the region at Arusha, United Republic of Tanzania (24 and 25 June 1996).

The above-mentioned declarations of commitment were solemnly signed by the Heads of State of the region. They were also facilitated and witnessed by highly respected eminent persons in the names of ex-Presidents Jimmy Carter (United States of America), Julius K. Nyerere (United Republic of Tanzania) and Toure (Mali).

In those declarations the countries of the region agreed on a number of measures to be taken with a view to finding solutions to the problems of the Great Lakes region.

Meanwhile, it may also be recalled that the United Nations organized, jointly with the Organization of African Unity, a conference (15-27 February 1995) at Bujumbura on the question of refugees of the region.

The two organizations have already started examining the modalities for appropriate follow-up to that Conference. Calling for an international conference to address the problems of the Great Lakes region at this time would seriously undermine the credibility of the signatures, commitment and initiatives of the Heads of State of the region.

In this regard, we request the Security Council to refrain from other parallel initiatives which might sideline the initiatives of the region itself.

Finally, we should like to request the distribution of the present letter as a document of the Security Council.

(Signed) Pierre Emmanuel UBALIJORO
Second Counsellor
Chargé d'affaires a.i.